

REMARKS

Applicants would like to thank Examiner Myers for the courtesy extended during the telephone discussion of December 14, 2005 regarding the outstanding Office Action.

Claims 50, 61, 65, and 76-78 are pending in this application. Claims 45-49, 51-60, 62-64, and 66-75 have been cancelled solely in order to further prosecution. Applicants reserve the right to prosecute the subject matter of any of the cancelled claims in one or more related applications. Claims 76-78 have been added and claims 61 and 65 have been amended. Support for the new and amended claims may be found in the specification. Thus, the new and amended claims are fully supported by the instant specification and no new matter has been introduced.

Double Patenting Rejection

Claims 44-75 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-13, 29-35, and 43 of co-pending Application No. 11/073,203. Applicants would like to point out to the Examiner that a Preliminary Amendment was filed concurrently with Application No. 11/073,203 canceling claims 1-35 and 38-43. Thus, Applicants request that the rejection be withdrawn.

Rejections in Connection with §112, §102, and §103

Applicants would like to point out that none of the currently pending claims were subject to any rejections under §112, §102, or §103. Thus, Applicants request that the rejections be withdrawn.

Priority

The Examiner contends that claims 44-53, 55-62, 64, 66-68, and 70-74 read on full length SEQ ID NO:1 and thus are not entitled to claim priority to Application No. 60/260,080. Applicants respectfully disagree. However, solely in order to further prosecution, Applicants have amended the claims such that there is allowable subject matter according to the Examiner in the December 14, 2005 discussion.. As such Applicants contend that the issue of priority is not relevant to the currently pending claims.

Specification

The Examiner contends that new matter has been added to the specification by the introduction of SEQ ID NO:89 to the Substitute Sequence Listing filed on September 8, 2005. Applicants respectfully disagree. However, solely in order to further prosecution, a new Substitute Sequence Listing is submitted herewith omitting SEQ ID NO:89. Applicants respectfully request that the rejection be withdrawn.

CONCLUSION

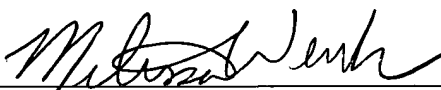
Applicants respectfully request that the amendments and remarks made herein be entered and made of record in the file history of the present application. Withdrawal of the Examiner's rejections and a notice of allowance are earnestly requested. If any issues remain in connection herewith, the Examiner is respectfully invited to telephone the undersigned to discuss the same.

AUTHORIZATION

No fee is believed to be due. However, the Commissioner is hereby authorized to charge any fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 1829-4004US1.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: December 22, 2005



Melissa B. Wenk / Kenneth H. Sonnenfeld
Reg. No. 53,759 / 33,285

Correspondence Address:

Morgan & Finnegan, L.L.P.
3 World Financial Center
New York, New York 10281-2101
(212) 415-8700 Telephone
(212) 415-8701 Facsimile

27123

↑CUSTOMER NUMBER↑